IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 12.06.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

Habeas Corpus Petition No.388 of 2006

Chinnakannu ... Petitioner

vs.

1. The Secretary to Govt.,
Backward Class Department,
Fort St. George,
Chennai-9.

2. The Director General of Police,
Kamaraj Salai,
Chennai-4.

3. District Collector,
Salem District, Salem-1.

4. The Superintendent of Police,
Salem District, Salem-1.

5. The Deputy Superintendent
of Police,
Mettur, Salem District.

6. The Inspector of Police,
Nangavalli Police Station,
Nangavalli, Salem District.

7. M.Srinivasan

8. M.Ravi ... Respondents

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Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus, directing the respondent to produce the body of the detenus, viz., 1.Palanimmal, wife of Chinnakannu; 2.Pappathi, D/o.Chinnakannu; 3.Easwaran, S/o.Chinnakannu; 4.Boopathi, S/o.Chinnakannu; 5.Palanisamy, S/o.Chinnakannu; 6.Lakshmi, w/o.Palanisamy; 7.Irusa Gownder, S/o.Chinnakannu; 8. Selvi, W/o.Chinnalrusa Gownder, 9.Mailu, S/o.Manickam; 10.Banumathi, W/o.Mailu; 11.Murugan, S/o.Manickam; 12.Kuppayee, W/o.Murugan; 13.Madhammal, W/o.Manickam; 14.Sathish, S/o.Palanisamy; 15.Perumal, S/o.Irusa Gownder; 16.Manikandan, S/o.Mailu; 17.Manickam, S/o.Kulandai Gownder; and 18.Madhu, S/o.Manickam, relatives of the petitioner herein, before the Court, who were illegally detained by the 7th and 8th respondents as bonded labours, and set them at liberty.

For Petitioner : Mr.S.Sugendran

For Respondents : Mr.M.Babu Muthu Meeran,
Addl. Public Prosecutor.

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O R D E R

(Order of the Court was made by P.SATHASIVAM, J.)

One Chinnakannu, S/o.Chinnapayan, Norasavalavu, Periya Soranai Village, Mettur Taluk, filed the above petition, seeking for a direction to the respondents to produce the 18 persons, mentioned in the petition, before this Court, who, according to him, were illegally detained by the 7th and 8th respondents as bonded labours, and set them at liberty.

2. Pursuant to the direction of this Court, all the persons mentioned in this petition, except Sl.No.13.Madhammal and Sl.No.18.Madhu, appeared before us. Even according to the petitioner, both Madhammal and Madhu are not well, hence, they could not appear before us. We enquired the detenus. They narrated that they went to Karnataka to eke out their livelihood. They also expressed that they were not happy at Karnataka, where they worked in a quarry, and that they do not want to go back to the said place and prefer to stay in their native place.

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3. The 6th respondent has produced a copy of the Report of the Assistant Commissioner, Bangalore South Sub Division, Bangalore, wherein, it is stated that the persons mentioned in this petition are not bonded labours as claimed by the petitioner. The following information furnished in the Report, dated 08.06.2006, of the Assistant Commissioner, Bangalore South Sub Division, is relevant,

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With reference to the subject cited above, I visited the stone quarry at Mangammana Palayam and Madiwala of Bommanahalli C.M.C. Jurisdiction as requested by the Hon'ble District Collector of Salem to resque and release the 18 bonded labours working at stone quarry of Sri Ravi & Srinivasa S/o.Muniyappa. Tahsildar and other revenue officials have accompanied me at the time of inspection.

On enquiry, it is found that the said quarry was in Sy.No.13 of Yellukunte Village, Begur Hobli, Bangalore South Taluk and was leased to Sri M.Srinivasan S/o.Muniyappa and the same was closed about two years back, since the layouts have come up in the surrounding areas, now there are no traces of stone quarry at all. I contacted Mr.Srinivasan, through telephone with the assistants of our revenue staff. It is learnt that the stone quarry has been stopped long back and hence the labours working there were also left the place, and at present the whereabouts of the labours are not known to him. Therefore the question of resque and release of Bonded laboures does not arise.

During the spot inspection, Mr.B.Ramesh Kumar, Revenue Inspector, Pottaneri Firka, Sri C.Sampath, Sub Inspector of Police, Nangavalli Police Station and K.Ismail, H.C. 1015, Nangavalli Police Station, Salem District were present.

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This for your kind information and necessary action.

Yours faithfully,

sd/-
Assistant Commissioner,
Bangalore South Sub Division,
Bangalore. "

The above information shows that the stone quarry, where the persons mentioned in this petition were working, is not functioning as on date. We have already referred to the statement of the detenus, viz., they are not willing to go to the quarry and prefer to stay in their native place. In the light of the above statement and in view of the report of the Assistant Commissioner, Bangalore South Sub Division, dated 08.06.2006, all the persons mentioned in the Petition are at liberty to go to their native place and no further direction is required in this petition.

4. Taking note of the grievance expressed, the persons named in this petition are free to make representation to the District Collector, Salem, to vindicate their grievance. It is made clear that, if any such representation is made, it is for the District Collector to consider and pass orders thereon, if the same is permissible, in accordance with law.

5. With the above observation, the Habeas Corpus Petition is disposed of.

JI.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Secretary to Govt., Backward Class Department,
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2. The Director General of Police, Kamaraj Salai,
Chennai-4.

3. District Collector, Salem District, Salem-1.

4. The Superintendent of Police, Salem District, Salem-1.

5. The Deputy Superintendent of Police,
Mettur, Salem District.

6. The Inspector of Police, Nangavalli Police Station,
Nangavalli, Salem District.

GG(CO)
SR/16.6.2006

HCP. No.388 of 2006

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